Thomas P. Riley, SBN 194706 LAW OFFICES OF THOMAS P. RILEY, P.C. First Library Square 1114 Fremont Avenue South Pasadena, CA 91030 Tel: 626-799-9797 Fax: 626-799-9795 TPRLAW@att.net **Attorneys for Plaintiffs** J & J Sports Productions, Inc. 7 8 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 9 SAN JOSE DIVISION 10 11 J & J SPORTS PRODUCTIONS, INC., CASE NO. 5:10-cv-01890-LHK 12 Plaintiff, 13 PLAINTIFF'S EX PARTE VS. APPLICATION FOR AN ORDER 14 VACATING THE CASE NELIA VELASCO NISPEROS, et al. 15 **MANAGEMENT CONFERENCE; AND** ORDER (Proposed) 16 Defendant. 17 18 TO THE HONORABLE LUCY H. KOH, THE DEFENDANT, AND HER 19 **ATTORNEYS OF RECORD:** 20 Plaintiff J & J Sports Productions, Inc. hereby applies ex parte for an order vacating the Case 21 Management Conference in this action, presently set for Tuesday, August 24, 2010 at 1:30 p.m. This 22 request will be, and is, necessitated by the fact that defendant Nelia Velasco Nisperos, individually and d/b/a Mr. Suave is in default and Plaintiff's Application for Default Judgment will soon be filed with 23 this Honorable Court. As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive 25 pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant 26 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the 27 case itself or the preparation of a Case Management Conference Statement. 28

PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 5:10-cv-01890-LHK PAGE 1

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1	WHEREFORE, Plaintiff respectfull	y requests that this Honorable Court vacate the Case
2	Management Conference presently scheduled	l for Tuesday, August 24, 2010 at 1:30 p.m. in order that
3	Plaintiff and its counsel may avoid necessary	fees and costs in this matter presently pending final
4	disposition by virtue of Plaintiff's Applicatio	n for Default Judgment by the Court.
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7		Respectfully submitted,
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11	Dated: August 18, 2010	/s/ Thomas P. Riley LAW OFFICES OF THOMAS P. RILEY, P.C.
12		By: Thomas P. Riley Attorneys for Plaintiff
13		J & J Sports Productions, Inc.
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 5:10-cv-01890-LHK PAGE 2

1	ORDER (Proposed)		
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3	It is hereby ordered that the Case Management Conference in civil action number 5:10-cv-01890-		
4	LHK styled J & J Sports Productions, Inc. v. Nelia Velasco Nisperos, et al., is hereby vacated.		
5	Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a		
6	Certification of Service of this Order with the Clerk of the Court.		
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9	IT IC CO OPDEDED.		
10	IT IS SO ORDERED:		
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12	Fucy H. Koh  Dated: August 20, 2010		
13	THE HONORABLE LUCY H. KOH		
14	United States District Court		
15	Northern District of California		
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